



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **03-40155-US**

Inventors: Ho et al.

Group Art Unit No.: 1621

Application No.: 10/652,813

Examiner: Witherspoon, Sikarl A.

Filed: August 29, 2003

For: Benzotropolone Derivatives And Modulation Of Inflammatory Response

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**DECLARATION UNDER RULE 131**

We, the undersigned inventors, hereby declare that:

1. We along with Robert T. Rosen, who is unable to sign this declaration as he is presently incapacitated and is in an intensive care unit, are first and joint inventors of the subject matter claimed in the above-identified application.
2. We reduced to practice the invention set forth in the above-identified application in this country prior to October 14, 2002. The effective date of Liang et al., 2002, Nutrition and Cancer, Vol. 42 (2):217-223 is October 14, 2002 (see Exhibit 1).
3. Mou-Tuan Huang, one of the joint inventors, has conducted in vivo assays to show anti-inflammatory activity of various benzotropolone containing compounds. A copy of pertinent pages from laboratory notebook entries of Mou-Tuan Huang is enclosed herewith as Exhibit 2 to establish reduction to practice of the invention of the above application. The pages, numbered 1-16, contain data related to the anti-inflammatory activity of theaflavins, epigallocatechin-3-gallate and benzotropolone derivatives. Specifically, the data therein show the inhibitory effect of theaflavins and benzotropolone derivatives on TPA-induced edema of mouse ear. The data were obtained from the work conducted prior to the effective date of the Liang et al., reference. Thus, from Exhibit 2, it can be seen that the invention claimed in this application was made by the date earlier than the publication date of the Liang et al., reference.

By signing below, we hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or by imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

Chi-Tang Ho Dec 23 2004  
Chi-Tang Ho

Date

Shengmin Sang  
Shengmin Sang  
Date 12/23/04

Geetha Ghai 12/23/2004  
Geetha Ghai

Date

Jin-Woo Jhoo  
Jin-Woo Jhoo  
Date 12/23/2004

Mou-Tuan Huang  
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Date 12/23/2004

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Date 12/23/04



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December 21, 2004

TO: Reed Smith

Nanda Kumar (fax 215-851-1420)

This letter will serve as documentation that the following article:

Inhibition of 12-O-Tetradecanoylphorbol-13-Acetate-Induced Inflammatory Skin Edema  
and Ornithine Decarboxylase Activity by Theaflavin-3,3'-Digallate in Mouse

Yu-Chih Liang, De-Cheng Tsai, Shoei-Yn Lin-Shiau, Chieh-Fu Chen, Chi-Tang  
Ho, Jen-Kun Lin

was published in *Nutrition and Cancer*, vol. 42, no. 2, 2002, pp. 217-223.

The print version was published October 14, 2002. The online version was available  
November 25, 2002.

Sincerely,

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